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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **EASTERN DIVISION – RIVERSIDE**

10 SAVE OUR FOREST ASSOCIATION,
INC.

11 Plaintiff,

12 vs.

13 UNITED STATES FOREST SERVICE,
et al.,

14 Defendants.
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Case No.: 5:24-cv-01336-JGB-DTB

DECLARATION OF RACHEL DOUGHTY

Date: August 4, 2025

Proposed Date: September 15, 2025

Time: 9:00 a.m.

Judge: Hon. Jesus G. Bernal

Dept: Courtroom 1, Riverside

Action Filed: June 25, 2024

Trial Date: March 31, 2026

1 I, Rachel Doughty, under penalty of perjury, do declare and state:

2 1. I have a pre-planned family trip, with lodging and transportation already
3 paid, to Upstate New York from July 27, 2025, through very late in the evening
4 August 10, 2025.

5 2. My travel arrangements were made prior to the Court's continuing [ECF
6 59] on July 2, 2025, the hearing on the Motion to Intervene [ECF 38].

7 3. Attached as **Exhibit 1** is a true and correct copy of July 7, 2025,
8 electronic correspondence between me, Frank Lawrence, counsel for the
9 Yuhaaviatam of San Manuel Nation ("**Nation**"), and Andrew Smith, counsel for
10 Federal Defendants. In this correspondence, I offered alternative availability on
11 August 18, August 25, September 8, September 15, September 22, and September 29.
12 Only September 15, 2025, was acceptable to counsel for the Nation.

13 4. Attached as **Exhibit 2** is a true and correct copy of the 2023 United
14 States Forest Service ("**USFS**") Special Use Permit ("**SUP**") issued to BlueTriton
15 Brands, Inc. (FCD728503), obtained by me through a Freedom of Information Act
16 Request made on behalf of my client, which states that there are no third party
17 beneficiaries to the SUP (section IV.C.), the SUP does not "provide for the furnishing
18 of . . . water" (section IV.D), the "holder" of the SUP (BTB) must obtain all state and
19 local water rights for wells (section VIII.G), and the contract, willingly entered into
20 by BTB with the USFS, limited what BTB could do with water BTB diverts through
21

1 the structure authorized by the USFS (VIII.H.1.). The SUP twice expressly recites
2 that it conveys no water rights. (VIII.H.2, VIII.I). BTB did not identify any water
3 rights--belonging to itself or to any other party (VIII.H.3).

4 5. Attached as **Exhibit 3** is a true and correct copy of the May 14, 2024,
5 letter from BTB to the USFS, including a chart (Exhibit A) showing that only a
6 fraction of the water diverted by BTB from public lands under SUPs is delivered to
7 the Arrowhead Property, acquired by the Nation in 2016 (Exhibit B). Additionally,
8 the letter contains a statement, conveyed from the Nation to the USFS, including:
9 “The Tribe is not a party to, nor is it bound by the terms of the [BTB SUP] or the
10 Order [of the State Water Resources Control Board], and therefore, to the extent
11 either refers to the Tribe’s land ownership or water rights claims, they do not
12 adjudicate, resolve, or quantify any of the Tribe’s claims or rights as they relate to
13 land and water.”

14 6. Due partly to changing counsel at the Department of Justice and
15 decreased staffing at the USFS, it has taken many months to negotiate the content of
16 the Administrative Record for this matter and to work out a mutually agreeable
17 briefing schedule. The discussions predate the Nation’s Motion to Intervene—starting
18 in or around October 2024.

1 I make this declaration under penalty of perjury under the laws of the United
2 States of America, executed this 18th day of July 2025, in Berkeley, California.

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4
5 /s/ Rachel S. Doughty

Rachel S. Doughty

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2025, I electronically filed and served the foregoing with the Clerk of the Court for the United States District Court for the Central District of California using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Jessica San Luis
Jessica San Luis